

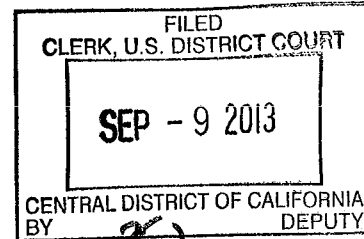
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14 UNITED STATES DISTRICT COURT  
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 16

17 UNITED STATES OF AMERICA,	)	NO. CR 12-905-R-3
	)	
18 Plaintiff,	)	<u>[PROPOSED] FINDINGS OF FACT AND</u>
	)	<u>CONCLUSIONS OF LAW AS TO</u>
19 v.	)	<u>DEFENDANT GODWIN ONYEABOR'S</u>
	)	<u>SENTENCING</u>
20 GODWIN ONYEABOR,	)	
	)	
21 Defendant.	)	
	)	
22 _____	)	

23 On September 9, 2013, the Court conducted the sentencing  
 24 hearing for defendant Godwin Onyeabor ("Onyeabor") in the above-  
 25 captioned matter. Having considered Onyeabor's Pre-Sentence  
 26 Investigation Report ("PSR") and subsequent addendum, Onyeabor's  
 27 objections to the PSR (DE 212) and sentencing memorandum (DE 224),  
 28 the United States's response to Onyeabor's objections and



1 sentencing memorandum (DE 235), the files and records in this  
2 case, and such further argument that was presented by all parties  
3 at Onyeabor's sentencing, the Court makes the following findings  
4 of facts and conclusions of law:

5 (1) On April 24, 2013, following a 7-day trial, Onyeabor was  
6 found guilty of offenses with statutory maximum terms of  
7 imprisonment of less than twenty (20) years, conspiracy to  
8 commit health care fraud (18 U.S.C. § 1349), health care  
9 fraud (18 U.S.C. § 1347), and conspiracy to pay illegal  
10 health care kickbacks (18 U.S.C. § 371). Accordingly, his  
11 base offense level is 6, pursuant to pursuant to USSG  
12 §2B1.1(a)(2);

13 (2) Onyeabor's conduct resulted in an intended loss to the  
14 Medicare Program ("Medicare") of \$1,498,155. Accordingly,  
15 a 16-level enhancement applies, pursuant to §2B1.1(b)(1)(I);

16 (3) Onyeabor was convicted of Federal health care offenses  
17 that involved a Government health care program and his  
18 conduct resulted in a loss greater than \$1,000,000 and less  
19 than \$7,000,000. Accordingly, a 2-level enhancement applies,  
20 pursuant to §2B1.1(b)(8)(I); and

21 (4) Both leading up to and during his sentencing, Onyeabor  
22 never demonstrated acceptance of responsibility for his  
23 conduct.

24 Based upon the above, the Court calculated an offense level of 24,  
25 which, when coupled with a Criminal History Category of I,  
26 resulted in an advisory guidelines range of 51 to 63 months'  
27 imprisonment.

1 The Court further considered all those factors set forth in  
2 18 U.S.C. § 3553(a), including

3 (1) the nature and circumstances of the offenses and the  
4 history and characteristics of Onyeabor;

5 (2) the need for the sentence imposed -

6 (A) to reflect the seriousness of the offenses, to  
7 promote respect for the law, and to provide just  
8 punishment for the offenses;

9 (B) to afford adequate deterrence to criminal conduct;  
10 and

11 (C) to protect the public from further crimes of  
12 Onyeabor;

13 (3) the kinds of sentences available; and

14 (4) the need to avoid unwarranted sentence disparities among  
15 defendants with similar records who have been found guilty  
16 of similar conduct.

17 In light of these factors, the Court imposed a low-end guidelines  
18 sentence of 51 months' imprisonment.

19 IT IS SO ORDERED.

20 Sept. 9, 2013  
21 DATE

  
\_\_\_\_\_  
22 THE HONORABLE MANUEL L. REAL  
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25  
26 /s/  
27 O. Benton Curtis III  
28 Assistant Chief  
Criminal Division / Fraud Section